

06 CV 0231 (SR)

Revised 05/01 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)I. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

ROBERT CHAMBERS

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

- | | |
|--|----------------------------|
| 1. LT. ROBERT WHALEN | 4. LT. POHALLA, D-DISTRICT |
| 2. BUFFALO POLICE DEPT. | 5. DOUGLASS FABIAN, ERIE |
| 3. ERIE COUNTY CRISIS SERVICES | COUNTY CRISIS SERVICES |
| 6. CHIEF, REICHMUTH, BUFFALO POLICE DEPT | DIRECTOR A-DISTRICT |
| 7. JEANETTE WHALEN | |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections MUST be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court:

CIVIL RIGHTS CLAIM
42:1983

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District:

CIVIL RIGHTS VIOLATIONS THAT
OCCURRED IN ERIE COUNTY UNDER 42:1983

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit:

CIVIL RIGHTS 440

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Robert Chambers
Present Address: 308 DEARBORN ST., BFLD., NY 14207
716-876-9815

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Lt. Robert Whalen
Official Position of Defendant (if relevant): Lt., BUFFALO POLICE DEPT. A-DISTRICT
Address of Defendant: 30 WELLINGTON LANE
ORCHARD PARK, NY 14127

Name of Second Defendant: BUFFALO POLICE DEPT.

Official Position of Defendant (if relevant): 74 FRANKLIN ST

Address of Defendant: BFLD., NY 14202

Name of Third Defendant: ERIE COUNTY CRISIS SERVICES

Official Position of Defendant (if relevant): 2969 MAIN ST.

Address of Defendant: BFLD., NY 14214

* PARTIES CONTINUED ->

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No X

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved: _____

Disposition (check those statements which apply):

_____ Dismissed (check the statement which indicates why it was dismissed):

_____ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

_____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

_____ By court due to your voluntary withdrawal of claim;

_____ Judgment upon motion or after trial entered for

_____ plaintiff

_____ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) SEE ATTACHED CLAIMS
 defendant (give the name and (if relevant) the position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did): _____

The federal basis for this claim is: 42 : 1983

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

B. SECOND CLAIM: On (date of the incident) SEE ATTACHED CLAIMS
defendant (give the name and (if relevant) position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did): _____

The federal basis for this claim is: _____

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Do you want a jury trial? Yes X No

I declare under penalty of perjury that the foregoing is true and correct.

Executed on ~~March 10~~ APR 6 2006
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Bulet Chen

Signature(s) of Plaintiff(s)

3. PARTIES TO ACTION

LT., POHALLA, D-DISTRICT
POLICE LT.
669 HERTEL AVE.
BFLO., NY 14207

DOUGLAS FABIAN
ERIE COUNTY CRISIS SERVICES DIRECTOR
2969 MAIN ST.
BFLO NY 14214

CHIEF, REICHMUTH, BUFFALO POLICE
DEPT., A-DISTRICT
74 FRANKLIN ST
BFLO., NY 14202

JEANETTE WHALEN
30 WELLINGTON LANE
ORCHARD PARK, NY 14127

Claim against Lt. Robert Whalen

On or about February 1, 2005 Lt. Robert Whalen began a protracted campaign of harassment against myself which ultimately ended in my false arrest on ~~March~~ ^{April} 6, 2005. I was arrested by Lt. Pohalla, Lt. Whalens ex-partner, for telephone harassment even though I had shown the many police present Lt. Whalen's phone number on my caller ID proving that it was in fact Lt. Whalen who had called myself. Lt. Whalen contacted Erie County Medical Center and filed a false 941 report against myself that described me as a "Serial Killer who was going to shoot the doctors at Hospice" says Dr Gokhale at ECMC. This false 941 triggered three psychiatric evaluations. At the same time Lt. Whalen hadf his wife Jeannette Whalen contact Crisis services and file a false report that said I was suicidal and had become a danger to myself and was contemplating murder of my life partner, despite the fact that there had been near zero contact with Jeannette or Robert Whalen in 14 years. Lt. Whalen unjustly had our house "coded" as violent armed and dangerous with the 911 system. Lt. Whalen had me held in jail for days, with all family telephone calls interrupted. He appeared in court in uniform and lied about his role. He used his position to have me yet again undergo a forth psychiatric evaluation. He spoke to the judges in an official capacity, effectively denying me equal access to justice. When I plead not guilty and requested a jury trial, Lt. Whalen used his position as a police officer to manipulate the District Attorney's Office into withdrawing the charges and introducing new charges that do not utilize a jury in an attempt to circumvent my right to a jury trial and to protect himself from the civil case he knew would follow. Lt. Whalen misused his position of authority by having the judge order me not to contact Lt. Whalens employer, which included Professional Standards Division. Lt. Whalen even approached the judge's bench and stated that he's (Lt. Whalen) afraid that if the judge doesn't order me no to, that I would bring a frivolous lawsuit. Lt. Whalen perjured himself in his quest to avoid civil liability. He obtained orders of protection against my partner and myself as though we were a danger to his safety despite the fact that he did not have reasonable grounds. He then continued his campaign of harassment by stalking me at my home (reported to 911 on Apr.26 9:00am). I had to move to Tonawanda to avoid Lt. Whalen where he came to my residence in Tonawanda and drilled and replaced the locks while I was appearing yet another psychiatric evaluation demanded by LT. Whalen (4/15/05). These are just some of the tactics used by Lt. Whalen. This all began when he and I had a difference of opinion of end of life care of my mother. He used this difference of opinion to exact vengeance for my previous contact with Buffalo Police Internal Affairs which resulted in his missing of a promotion to captain 14 years ago.

Claim against the Buffalo Police Department

The Buffalo Police Department knew full well of Lt Whalen's protracted campaign of harassment against myself. I called many times to report Lt. Whalen to my local district precinct, to Professional Standards Division, to the Police Commissioner(3/30/2005), and three times to the Mayor's Complaint line to file complaints that Professional Standards Division was not taking my complaints seriously. The Mayor's Office contacted PSD to no avail. Dozens of Buffalo Police were involved in this protracted harassment. A police notice was attached to my front door telling me not to contact my mother at hospice in Cheektowaga on 2/24/05 which I still have wrapped in plastic. My house was shot up with paint balls while I was in jail, I also have a paint ball and photos. Perhaps fingerprints are still present on the evidence. I contacted Chief Riechmuth, Lt. Whalen supervisor, he stated to me that he told Lt. Whalen to stay within the law rather than stop the harassment. The Buffalo Police entrusted Lt. Whalen with authority that he was unable to exercise legally. The Buffalo Police assisted him in his harassment, took no steps to curtail his behavior, and now shares in his liability. I reported Lt. Whalen to the Tonawanda Police department at on at least three occasions once for burglary (2/16/2005), once for harassment at Kenmore Mercy (3/26/2005), and once for drilling the locks at my residence in Tonawanda while he maintained an order of protection against myself (4/15/2005).

Claim against Erie County Crisis Services

From February to March of 2005, Erie County Crisis Services continually harassed me at my home in the City of Buffalo long after they knew this was a clear abuse of authority. They called me many times but would not come to Kenmore Mercy Hospital in Kenmore which is in Erie County because they knew full well that they were doing a cop a favor who's jurisdiction ended at the Buffalo City line. They could have visited me in Kenmore or Tonawanda, but that would not get me illegally into the hands of LT. Robert Whalen. They are complicit in this matter. They knew full well that I had recently met with their staff where they had me held at D district police station, and three ECMC psychiatric doctors. They knew the doctors found no problems and released me on 2/22/05. Crisis Services was trying to get me together with Lt. Whalen for reasons I merely suspect based on Lt. Whalen threats of what he planned to do as he stated to my family. Crisis Services allowed their staff to misuse their authority to interfere with a private family matter involving no violence, no psychiatric conditions, no threats, and zero basis for their actions

Claim against Chief Riechmuth

Chief Riechmuth was contacted by myself on several occasions to discuss Lt. Whalen illegal behavior. Chief Riechmuth could not have been any more irresponsible with his inactions in handling this protracted harassment level at me by his direct employee. I contacted him at the request of PSD and the Tonawanda police. Chief Riechmuth made no effort to stop Lt. Whalen from harassing Marsha Huard and myself. Chief Riechmuth even encouraged Lt. Whalen to keep it up but stay within the law, based on Chief Riechmuth's own admission to myself. Lt. Whalen did not stay within the law and now Chief Riechmuth is partially responsible,

Claim against Douglas Fabian

Douglas Fabian of Crisis Services took no steps to curtail the behavior of his staff. From February to March of 2005, Erie County Crisis Services staff continually harassed me at my home in the City of Buffalo long after they knew this was a clear abuse of authority. They called me many times but would not come to Kenmore Mercy Hospital in Kenmore which is in Erie County because they knew full well that they were doing a cop a favor who's jurisdiction ended at the Buffalo City line. They could have visited me in Kenmore or Tonawanda, but that would not get me illegally into the hands of LT. Robert Whalen. They are complicit in this matter. They knew full well that I had recently met with their staff where they had me held at D district police station, and three ECMC psychiatric doctors. They knew the doctors found no problems and released me on 2/22/05. Crisis Services was trying to get me together with Lt. Whalen for reasons I merely suspect based on Lt. Whalen threats of what he planned to do as he stated to my family. Crisis Services allowed their staff to misuse their authority to interfere with a private family matter involving no violence, no psychiatric conditions, no threats, and zero basis for their actions

Claim against Lt. Pohalla

On ~~March~~^{APRIL} 6 2005 I was wrongfully arrested by Lt. Pohalla from 279 Dearborn St. on charges of telephone harassment, Lt. Pohalla and I went from 279 Dearborn to 308 Dearborn in order to see Lt. Whalen's phone number on my caller ID showing that Lt. Whalen had actually telephone harassed myself. Good judgement had almost won Lt. Pohalla over until Lt. Whalen Arrived and pulled rank. Lt Pohalla was attempting to portray me as mentally disturbed by making statements in front of other police like "If I were you, I would get Judge Wapner". Lt Pohalla knew full well he was unjustly arresting Marsha Huard and myself but took no steps to uphold our constitutional rights.

Claim against Jeannette Whalen

Sometime in February of 2006 Jeannette Whalen, under the guidance of Lt. Robert Whalen, took it upon herself to contact Erie County Crisis Services, and filed a false report stating that I was suicidal and was planning to kill Marsha Huard and myself even though she and I have had near zero communication in 14 years. I do not know the exact date or details of the report as Crisis Services will not release that information, only that I had become a danger to myself and others.